

Section 355 Committees

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1. Purpose

To outline Federation Council's requirements in the appointment and management of committees under Section 355 of the Local Government Act 1993 and the management of delegations to these committees under Section 377 of the Local Government Act 1993.

2. Background

Council relies enormously on many volunteers who work to assist Council to provide many assets and services across the many communities that comprise the Federation Council Local Government Area. Whilst not all volunteers are part of 355 Committees, nor do they need to be, 355 Committees are considered by Council to be a very valuable way of partnering with the community through volunteers to assist Council in its delivery functions.

Section 355 of the Local Government Act 1993 provides that: "A function of a Council may be exercised by a committee of the Council". Membership of these committees may include:

- Councillors
- Representatives of Government Departments
- Representatives of community organisations or sporting bodies
- Members of the public

Section 377 of the Local Government Act 1993 allows Council to delegate certain responsibilities to committees formed under the provisions of Section 355.

Council has a responsibility to ensure that these committees are well managed and supported in their role in providing services to the community on council's behalf. Committee members also have a responsibility to ensure that they comply with the necessary legislative requirements in fulfilling their role.

3. Scope

This policy applies to all committees appointed by Council under the provisions of Section 355 of the Local Government Act 1993 approved by Council.

4. Policy Statement

Federation Council will appoint Committees under Section 355 of the Act to fulfill or undertake a function of Council, where Council believes that such an appointment is the most efficient method of undertaking that function.

In determining if an activity is a function of Council it must be identified in the Council's Strategic or Management Plan.

Examples of Councils functions are outlined in S. 23A of the Local Government Act and those most likely to be fulfilled by a Committee include as an example:

- Providing community health, recreation, education & information services
- Environmental protection

- Waste removal & disposal
- Land & property, industry & tourism development & assistance

Council will not appoint Section 355 Committees simply to overcome the inability of a community committee or organisation to obtain public liability insurance coverage.

In determining whether or not to appoint a Section 355 Committee Council must consider the following:

- Whether the activity being performed is a Council function.
- In the absence of a Committee, would Council still undertake the function?
- Each Section 355 Committee will be a committee in their own right and will have a Delegations document signed by Council and the Committee Chair, and a Terms of Reference (TOR) adopted by Council that addresses the delegations and limitations according to the Committees purpose and functions identified in the delegations document.

Section 355 Committee membership will be approved by Council and governed by the Committee Terms Of Reference (which would include the delegated function and reference the relevant Council meeting for delegation authority).

- Each delegations document will need to address -
 - The ability or otherwise of the Committee to form working groups, but in such cases, they still need to have their direction obtained from the Committee/Council as appropriate. No sub-committees shall be formed.
 - The requirement or otherwise to operate a separate bank account. Committees if holding working accounts for minor purchases and expenses, will generally not be able to obtain grants/accept donations and hold interest bearing term accounts without the separate approval of Council.
 - The need to conduct any purchasing on behalf of Council.
 - The process to engage contractors if delegated. Refer to Guidelines for more information.

Members of Section 355 Committees will be council officials in the terms of Council's Code of Conduct.

Council will support this Policy with Guidelines for Section 355 Committees

5. Responsible Officer

The Director, Corporate and Community Services has overall responsibility for ensuring the Committees are appointed and the policy framework is implemented with appropriate resources applied.

6. Definitions

For the purpose of this Policy, a "function of council" is defined as a power, authority and duty of council.

7. References & Associated Documents

- Federation Council Section 355 Committee Guidelines (16/28254)
- Federation Council Code of Meeting Practice
- Federation Council Code of Conduct

- Federation Council Volunteer Policy and Guidelines (in development)
- NSW Local Government Act 1993
 - Chapter 12, Part 2, Division 1 – Code of Meeting Practice
 - Section 360 – Code of Meetings of Councils and Committees
 - Schedule 6A – Code of Conduct

8. Policy History

Version	Date	Changes / Amendments

9. Reviews

This policy is to be reviewed once in the first 12 months and then within 3 months of a new council being elected.

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